



## Welcome



## Welcome to Brinks & Associates

Located in suburban Grand Rapids, Michigan, Brinks & Associates is a private law firm which associates with counsel in all areas of law and business practices. The firm currently specializes in the following areas of practice:

[Civil Litigation](#)  
[Estate Planning](#)  
[Employment Law](#)

Since its establishment in 1993, the firm has acquired a strong local presence and extends its legal services to potential clients primarily through [involvement with non-profit organizations and civic groups](#). Many clients also come to the firm by referrals from past, satisfied clients.

## Sharon R. Brinks, Attorney-at-Law

Ms. Sharon Brinks attended Calvin College and Wayne State University Law School. She began her legal career in western Michigan as a judicial law clerk.

In 1993, Ms. Brinks left her partners at a mid-sized firm and established "Brinks & Associates," believing that a law firm of the 21st century can be technologically efficient and reasonably priced, while maintaining a personal touch in the midst of a changing business and legal environment.

Ms. Brinks serves the community as a Kentwood City Commissioner and through her various [seminars, lectures, and published works](#). Furthermore, Ms. Brinks has been active abroad through her leadership of international legal exchange programs and a [Christian attorney partnership with Nicaraguan lawyers](#).

[Click here for Ms. Brinks' biography.](#)



## ALTERNATIVE DISPUTE RESOLUTION ("ADR") COMPENDIUM

### EXECUTIVE SUMMARY

Prepared by the Alternative Dispute Resolution Section of the State Bar of Michigan

May 2011

The Alternative Dispute Resolution Section set out to demonstrate through studies and reporting agencies what it already knew; that ADR processes, such as mediation, facilitation, arbitration and consensus building, along with the other processes discussed in Part I of the Compendium, indeed prevent and resolve conflicts and disputes in a cost-effective and efficient manner. These ADR processes can be adapted to the challenges facing private and public sectors, particularly as they operate in this strained economy.

#### Use of ADR in the Federal Government

- The Department of Defense reported its "ADR First" policy in contract disputes enabled it to avoid on average \$56.7 million in liability for fiscal years 2002-2006.
- The Department of Defense reported it saved on average \$20,000 per EEO case when the case was mediated.
- The Department of Justice reported for fiscal years 2005 and 2006, that mediation saved the Department almost \$18 million in litigation/discovery expenses, almost 67,000 hours of attorney/staff time and over 1,350 months of litigation/discovery time.
- In the Department of Justice's 2007-2010 report, the cost-effectiveness and efficiency of using ADR proceedings are even more impressive.<sup>1</sup>

Category	2010 Totals	2009 Totals	2008 Totals	2007 Totals
Funds Obligated for Mediation Services	\$1,547,874	\$1,141,102.97	\$1,362,320.40	\$1,049,390.75
Number of Cases Authorized for ADR Funding	718	528	522	505
Voluntary ADR Proceedings	80% Resolved	78% Resolved	79% Resolved	59% Resolved
Court-Ordered Proceedings	46% Resolved	42% Resolved	51% Resolved	50% Resolved
Litigation or Discovery Expenses Saved	\$11,662,500	\$5,940,287	\$3,387,750	\$3,001,000
Days of Attorney/Staff Time Saved	12,260	5,829	23,010	2,797
Months of Litigation Time Saved	930	849	661	429

<sup>1</sup> Available at <http://www.justice.gov/odr/doj-statistics.htm>

## Use of ADR at the State Level

- In 2010, twenty non-profit Community Dispute Resolution Centers in the State of Michigan, which provide mediation services to their communities, reported a 66% resolution rate.<sup>2</sup>
- Between October 1, 2008 and March 31, 2010, the North Carolina Medicaid program saved \$25 million by mediating recipient appeals of decisions to reduce or terminate services. Between July 1, 2008 and March 31, 2010, 83% of those appeals were successfully resolved by mediation.<sup>3</sup>
- Between 1998 and 1999, Florida reported more than \$3 million in potential savings realized through the successful mediation of 31 of 36 administrative disputes selected from five state agencies and one environmental control district. Savings over anticipated litigation costs reported by participants ranged from \$2,250 to \$700,000.<sup>4</sup>
- In Massachusetts, 57% of agencies filing ADR reports and plans reported that ADR processes saved money over litigation or hearings; 81% reported savings in staff time.<sup>5</sup>

## Conclusion

ADR processes such as mediation, facilitation and consensus building bring people together to prevent conflicts and resolve disputes. These ADR processes can be particularly effective when conflicts or impasse arise in the Executive, Judicial and Legislative Branches. The studies also demonstrate that public and private sectors can significantly reduce their costs when ADR processes are used in lieu of litigation. In this time of fiscal instability, the ADR Section of the State Bar of Michigan believes that the State of Michigan would realize dramatic cost savings and reduced budgetary constraints by adopting and implementing ADR processes in all areas of government.

---

<sup>2</sup> <http://courts.michigan.gov/scao/resources/publications/reports/CDRPAnnualReport2010.pdf>

<sup>3</sup> Medicaid Recipient Appeal Process, Report to the North Carolina General Assembly, April 2010, provided by Dispute Resolution Education Resources, March 2011

<sup>4</sup> State Agency Administrative Dispute Resolution Pilot Program, Florida Conflict Resolution Consortium, 2000

<sup>5</sup> Report on the Use of Alternative Dispute Resolution (ADR) in Massachusetts' Executive Branch Agencies: Data & Analysis of the FY02 ADR Reports & Plans, Massachusetts Office of Dispute Resolution, 2002

## COMMUNITY DISPUTE RESOLUTION PROGRAM

<http://courts.michigan.gov/scao/dispute/odr.htm>

The following centers provide conciliation, mediation, and other forms of dispute resolution pursuant to 1988 PA 260, the Community Dispute Resolution Act.

**BERRIEN, Branch, Cass, St. Joseph, Van Buren**  
Citizens Mediation Service, Inc.  
811 Ship Street, Suite 205  
St. Joseph, Michigan 49085  
Phone (269) 982-7898  
Fax (269) 982-7899  
E-Mail [matt\\_balfe@citizensmediation.org](mailto:matt_balfe@citizensmediation.org)  
Website [www.citizensmediation.org](http://www.citizensmediation.org)  
Contact Matthew Balfe

**CHARLEVOIX, Emmet**  
Citizen Dispute Resolution Service, Inc.  
*Northern Community Mediation*  
415 State Street  
Petoskey, Michigan 49770  
Phone (231) 487-1771  
Fax (231) 487-1770  
E-Mail [jane@northernmediation.org](mailto:jane@northernmediation.org)  
Contact Jane Miller

**CHIPPEWA, Luce, Mackinac**  
Eastern UP Dispute Resolution Center, Inc.  
P.O. Box 505  
Sault Ste Marie, Michigan 49783  
Phone (906) 253-9841  
Fax (906) 253-9844  
E-Mail [sdrc@northernmi.net](mailto:sdrc@northernmi.net)  
Website [www.eupmediate.com](http://www.eupmediate.com)  
Contact Gerry Steimaszek

**DELTA, Baraga, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Menominee, Ontonagon, Schoolcraft**  
Resolution Services Program  
UPCAP Services, Inc.  
P.O. Box 606  
Escanaba, Michigan 49829  
Phone (906) 789-9580  
Fax (906) 786-5853  
E-Mail [gocc@upcap.org](mailto:gocc@upcap.org)  
Website [www.upcap.org](http://www.upcap.org)  
Contact Cheryl Goc

**GENESEE, Arenac, Bay, Clare, Gladwin, Midland, Ogemaw, Roscommon, Saginaw**  
Community Resolution Center  
315 East Court Street, Suite 200  
Flint, Michigan 48502  
Phone (810) 249-2619  
Fax (810) 239-9545  
E-Mail [JOdell@mediation-CRC.org](mailto:JOdell@mediation-CRC.org)  
Website [www.mediation-crc.org/](http://www.mediation-crc.org/)  
Contact Jane O'Dell

**GRAND TRAVERSE, Antrim, Benzie, Leelanau, Missaukee, Wexford**  
Conflict Resolution Services, Inc.  
852 South Garfield Avenue, Suite B  
Traverse City, Michigan 49686  
Phone (231) 941-5835  
Fax (231) 941-4530  
E-Mail [conflictresolutionsservices@hotmail.com](mailto:conflictresolutionsservices@hotmail.com)  
Website [www.CRSmediationTC.org](http://www.CRSmediationTC.org)  
Contact Jennifer Kowal

**INGHAM, Clinton, Eaton, Gratiot, Ionia, Shiawassee**  
Resolution Services Center of Central Michigan  
229 North Pine Street  
Lansing, Michigan 48933  
Phone (517) 485-2274  
Fax (517) 485-1183  
E-Mail [fourhglover@tds.net](mailto:fourhglover@tds.net)  
Website [www.rscem.org](http://www.rscem.org)  
Contact Linda Glover

**JACKSON, Hillsdale, Lenawee, Monroe**  
Southeastern Dispute Resolution Services  
*United Way of Jackson County*  
P.O. Box 1345  
536 N. Jackson St.  
Jackson, Michigan 49204  
Phone (517) 990-0279  
Fax (517) 784-2340  
E-Mail [mstanley@uwjackson.org](mailto:mstanley@uwjackson.org)  
Contact Marc Stanley

**KALAMAZOO, Barry, Calhoun**  
Dispute Resolution Services  
*Gryphon Place*  
1104 South Westnedge Avenue  
Kalamazoo, Michigan 49003  
Phone (269) 552-3434  
Fax (269) 381-0935  
E-Mail [drsmediate@hotmail.com](mailto:drsmediate@hotmail.com)  
Website [www.gryphon.org](http://www.gryphon.org)  
Contact Barry Burnside

**KENT, Isabella, Lake, Mecosta, Montcalm, Newaygo, Osceola**  
Dispute Resolution Center of West Michigan  
*Community Reconciliation Center*  
678 Front Avenue, NW, Suite 250  
Grand Rapids, Michigan 49504-5368  
Phone (616) 774-0121  
Fax (616) 774-0323  
E-Mail [wilmot@drcwm.org](mailto:wilmot@drcwm.org)  
Website [www.drcwm.org](http://www.drcwm.org)  
Contact Jonathan Wilmot

**MACOMB, St. Clair**  
The Resolution Center  
176 S. Main Street, Suite 2  
Mt. Clemens, Michigan 48043  
Phone (586) 469-4714  
Fax (586) 469-0078  
E-Mail [cpappas@theresolutioncenter.com](mailto:cpappas@theresolutioncenter.com)  
Website [www.theresolutioncenter.com](http://www.theresolutioncenter.com)  
Contact Craig R. Pappas

**MARQUETTE, Alger**  
Marquette-Alger Resolution Service  
715 W. Washington Street, Suite A  
Marquette, MI 49855  
Phone (906) 226-8600  
Fax (906) 226-5399  
E-Mail [marsmediation@yahoo.com](mailto:marsmediation@yahoo.com)  
Website [www.marsmediation.org](http://www.marsmediation.org)  
Contact Jennifer Frazier

**MUSKEGON, Manistee, Mason, Oceana**  
Westshore Dispute Resolution Center  
27 East Clay Avenue  
Muskegon, Michigan 49442  
Phone (231) 727-6001  
Fax (231) 727-6011  
E-Mail [wdrcc@mediatewestmichigan.com](mailto:wdrcc@mediatewestmichigan.com)  
Website [www.mediatewestmichigan.com](http://www.mediatewestmichigan.com)  
Contact Kate Kesteloot Scarbrough

**OAKLAND**  
Oakland Mediation Center, Inc.  
550 Hulet Drive, Suite 102  
Bloomfield Hills, Michigan 48302  
Phone (248) 338-4280  
Fax (248) 338-0480  
E-Mail [bhanes@mediation-omc.org](mailto:bhanes@mediation-omc.org)  
Website [www.mediation-omc.org](http://www.mediation-omc.org)  
Contact Bonnie Hanes

**OTSEGO, Alcona, Alpena, Cheboygan, Crawford,  
Iosco, Kalkaska, Montmorency, Oscoda,  
Presque Isle**  
Community Mediation Services  
*Otsego County*  
United Way Building  
116 5th Street  
Gaylord, Michigan 49735  
Phone (989) 732-1576, (989) 705-1227  
Fax (989) 705-1337  
E-Mail [annette.cms@frontier.com](mailto:annette.cms@frontier.com)  
Website [www.otsego.org/cms](http://www.otsego.org/cms)  
Contact Annette Wells

**OTTAWA, Allegan**  
Mediation Services  
*Center for Dispute Resolution*  
Courthouse Square  
38 West 8<sup>th</sup> Street, Suite 140  
Holland, Michigan 49423  
Phone (616) 399-1600  
Fax (616) 399-1090  
E-Mail [ccorriveau@mediationsolvesconflicts.org](mailto:ccorriveau@mediationsolvesconflicts.org)  
Website [www.mediationsolvesconflicts.org](http://www.mediationsolvesconflicts.org)  
Contact Connie Corriveau

**TUSCOLA, Huron, Lapeer, Sanilac**  
Center for Dispute Resolution  
*Human Development Commission*  
429 Montague Avenue  
Caro, Michigan 48723-1997  
Phone (989) 672-4044  
Fax (989) 673-2031  
E-Mail [peggyd@hdc-caro.org](mailto:peggyd@hdc-caro.org)  
Contact Peggy Davy

**WASHTENAW, Livingston**  
Dispute Resolution Centers of Michigan, Inc.  
*The Dispute Resolution Center*  
(110 N. Fourth Avenue, Suite 100)  
P.O. Box 8645  
Ann Arbor, Michigan 48107-8645  
Phone (734) 222-3745  
Fax (734) 222-3760  
E-Mail [dulinb@washtenaw.org](mailto:dulinb@washtenaw.org)  
Website [www.thedisputeresolutioncenter.org](http://www.thedisputeresolutioncenter.org)  
Contact Belinda Dulin

**WAYNE**  
Wayne Mediation Center  
Garrison Place  
19855 W. Outer Drive, Suite 206 – East Bldg.  
Dearborn, Michigan 48124  
Phone (313) 561-3500  
Fax (313) 561-3600  
E-Mail [bdempsey@mediation-wayne.org](mailto:bdempsey@mediation-wayne.org)  
Website [www.mediation-wayne.org](http://www.mediation-wayne.org)  
Contact Bernard Dempsey



## *Letting litigants know that MEDIATION really works!*

*(MCR 2.410, 2.411 & 3.216)*

### MEDIATION SETTLES CASES

- ☞ Nearly 70% of all cases sent to mediation result in settlements immediately and a substantial number which don't settle that day, do so shortly afterwards. (*Kent County, 2008 statistics for general civil and divorce mediations*) Compare this with 17% historical acceptance rates for case evaluation. (*Oakland County, 2008 article by Kevin M. Geffner in Laches*)
- ☞ Nearly all mediated agreements are fulfilled by the parties. A 1999 SCAO study showed a voluntary compliance rate of 90% for mediated agreements vs. 53% for non-mediated judgments. (*SCAO Study of Small Claims Cases, 2001*)
- ☞ Client surveys show that over 90% of mediation participants are satisfied with mediation, even if the case is not resolved at mediation. (*Kent County Survey of Mediation Participants, 2008*)

### MEDIATION PROCEDURES ARE FLEXIBLE

- ☞ Location for the mediation is flexible: lawyer conference rooms, hotels, airports, even homes!
- ☞ Timing is flexible to accommodate discovery needs.
- ☞ Relief is flexible and not limited to court imposed remedies.
- ☞ Although most are concluded in a single session, multiple mediation sessions are possible and can be scheduled at the convenience of the participants.
- ☞ Parties can jointly select a mediator or, absent agreement, the ADR Clerk can appoint one randomly from the court's roster of qualified mediators.

### MEDIATION IS OFTEN EFFECTIVE WHEN USED EARLY

- ☞ Although scheduling the actual mediation session(s) should be jointly determined between the mediator and all counsel, mediation often works best when scheduled before positions harden and parties become entrenched.
- ☞ Extensive and costly formal discovery is not always necessary prior to mediation--mediators can help counsel narrow and target discovery to obtain the essential information required for mediation.
- ☞ In fact, early mediation is likely to save time and money otherwise invested in discovery.

## MEDIATION SAVES TIME & MONEY

- ☞ Because mediation more often than not either leads to a settlement or narrows discovery, it saves both time and money.
- ☞ Early mediation often maximizes the savings to all parties and the mediator can help the parties tailor the process to maximize their savings while accommodating their needs for discovery.
- ☞ While parties usually pay a pro rata share of the mediator's charges (and their own counsel when they participate in the mediation), studies show they will still be saving money.

## MEDIATION ALLOWS THE PARTIES TO ATTAIN THEIR OWN BEST RESOLUTION

- ☞ The parties themselves are best able to devise a settlement to meet their fundamental needs, which may include relief not available in court.
- ☞ Mediation is "party-centric," providing the only point in litigation with direct communication between the parties and informal communication directly with opposing lawyers.
- ☞ A mediated settlement may include issues and persons beyond the confines of the litigation.

## MEDIATION HELPS ALL PARTICIPANTS ASSESS RISKS

- ☞ Cases often don't settle prior to trial due to limited views or positions taken by one or more parties or counsel. In mediation, such views or positions are often changed and the parties are able to proceed more realistically.
- ☞ Clients and their counsel need to confront the strengths of their opponent's case as well as the weaknesses of their own case, prior to the day of trial.
- ☞ Mediation may help parties identify such opposing strengths, inherent weaknesses and help quantify the cost of a trial, causing parties to engage in more meaningful risk assessment. Often attorneys appreciate having their OWN clients receive this reality testing from a neutral observer.

## MEDIATION DOES NOT REQUIRE PARTIES TO SETTLE

- ☞ Parties ordered into mediation are not *forced* to settle. They are never compelled to accept a proposal with which they disagree. They are merely expected to discuss the case directly with their opponents.
- ☞ Even when complete resolution is not achieved, mediation may still help to resolve some of the issues and help everyone focus on the important ones.

## MEDIATION WORKS!

- ☞ Working with a mediator allows attorneys and clients to control their destiny by fashioning their own resolution rather than having others do so.
- ☞ Mediation can preserve or restore relationships by eliminating fundamental misunderstandings and by improving communication between parties.